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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,360	01/25/2001	Yoshinobu Nakamura	122.1431	3644

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EXAMINER
LEE, CHRISTOPHER E

ART UNIT	PAPER NUMBER
2189	4

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application N .	Applicant(s)	
	09/768,360	NAKAMURA, YOSHINOBU	
	Examiner	Art Unit	
	Christopher E. Lee	2189	

-- The MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The Applicant states "reusing data being accumulated in another peripheral unit when the determining unit determines that the peripheral unit has not been replaced" in lines 3-6 on page 3. However, the Applicant's statement does not make sense to one of ordinary skill in the art because there is not any reason that the system needs to reuse data being accumulated in another peripheral units instead of its own in light of the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 4 and 7 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for reusing previously accumulated data in the peripheral units when only the LAN cards of the peripheral units have been replaced but main bodies of the peripheral units have not been replaced (Application, page 2, lines 21-24), does not reasonably provide enablement for reusing data being accumulated in another peripheral unit when the determining unit determines that the peripheral unit has not been replaced, i.e., both of LAN card and main body in the peripheral unit have not been replaced. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. In fact, the Examiner doubts why the system needs to reuse data being accumulated in another peripheral units (i.e., data being accumulated in another peripheral unit) instead of its own (i.e., data being accumulated in the peripheral unit). Therefore, the term "data being accumulated in another peripheral units" could be considered as --data being accumulated in the peripheral unit--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Berglund et al. [US 6,427,176 B1; hereinafter Berglund].

Referring to claim 1, Berglund discloses peripheral unit management system (i.e., apparatus for maintaining system labeling; See col. 1, lines 21-23) for managing a plurality of peripheral units (i.e., subsystems A-F and C'-E' in Fig. 1) by a peripheral unit manager (i.e., OS 101 and Service Processor 103 in Fig. 1) via a network (i.e., I2C network in Fig. 1) wherein each of said plurality of peripheral units (i.e., subsystem) has a serial number and a unique ID number (See col. 8, lines 45-67; i.e., wherein in fact that the VPD chips contain subsystem specific data, including a unique subsystem part number for their respective subsystem, which can uniquely identify a subsystem by part number, and physical location/ connection anticipates that each of said plurality of peripheral units has a serial number and a unique ID number) to distinguish it from other peripheral units (See col. 8, lines 54-59) and is connected to said network for communication between said manager and said peripheral units (See Fig. 1 and col. 10, lines 34-36; i.e., SPCN would recognize the different part number located at this connection, and present the Operating System with a new labeling structure implies that said peripheral unit is connected to said network for communication between said manager and said peripheral units), comprising: said peripheral unit management system comprising: a unit for determining (i.e., means for querying by SPCN 107 of Fig. 1) whether or not one of said peripheral units has been replaced (See col. 10, lines 40-42) by communicating with said respective peripheral units and reading respective serial numbers and ID

numbers of said peripheral units (i.e., blocks 3 and 4 in Fig. 2A; See col. 10, lines 65 through col. 11, line 6), and a unit for obtaining new data (i.e., means for detecting new part number by SPCN 107 of Fig. 1) of a peripheral unit (i.e., block 5 in Fig. 2A) when said determining unit determines that said peripheral unit has been replaced (See col. 11, lines 10-14), or reusing data (i.e., block 6 in Fig. 2A) being accumulated in said peripheral unit (in fact, resuming full operation implies reusing data being accumulated in said peripheral unit) when said determining unit determines that said peripheral unit has not been replaced (See col. 11, lines 7-10).

Referring to claim 2, Berglund teaches each peripheral unit (i.e., subsystem in Fig. 1) comprises a main body (e.g., backplane; See col. 6, line 9) having a first recording medium (i.e., VPD chip in said subsystem in Fig. 1; See col. 8, lines 43-44) that records said serial number (i.e., unique subsystem part number; See col. 8, lines 45-47) and a board (e.g., card device) having a second recording medium (i.e., memory disposed on said card device; See col. 7, lines 56-58) that records an ID number (i.e., unique location information), said board (i.e., card device) can be inserted to and removed from said body (See col. 7, lines 58-59) and performs a connecting function to said network (i.e., I2C network in Fig. 1) thereby enabling it to transmit said serial number and said ID number over said network (See col. 7, lines 59-61), and when said board (i.e., said card device) is replaced (See col. 12, lines 12-15), said management system (i.e., operating system) reads said serial number and said ID number (i.e., querying reference table; See col. 10, line 65 through col. 11, line 6) and determines whether or not said main body (i.e., backplane) of said peripheral unit (i.e., subsystem) has been replaced or not (See col. 10, lines 40-46; i.e., wherein in fact that SPCN recognized when subsystems C and D have been removed and new subsystem C' has been plugged (i.e., card devices and backplane within said subsystem C has been replaced by new subsystem C'), and can report this immediately to the operating system clearly shows said management system (i.e., OS) reads said serial number and said ID number and determines whether or not said main body (i.e., backplane) of said peripheral unit (i.e., subsystem) has been replaced or not).

Referring to claim 4, the method steps of claim 4 is performed by means for function, which are drawn from the apparatus of claim 1, such that a method steps for communicating with the respective peripheral units, reading respective serial numbers and ID numbers of the peripheral units, determining replacement of the peripheral unit, obtaining new data, and reusing data in the claim 4 are respectively performed by means for communicating with the respective peripheral units, means for reading respective serial numbers and ID numbers of the peripheral units, a unit of determining replacement of the peripheral unit, a unit of obtaining new data, and means for reusing data, which are drawn from said system in the claim 1, and therefore the rejection of claim 1 applies to the claim 4.

Referring to claim 5, most of the claim limitations have already been discussed / addressed with respect to claim 2, and the method steps of claim 5 is performed by means for function, which are drawn from the apparatus of claims 1 and 2, such that a method steps for reading said serial number and said ID number when said board is replaced, and determining whether or not said main body of said peripheral unit has been replaced or not in the claim 5 are respectively performed by means for reading respective serial numbers and ID numbers of the peripheral units, a unit of determining replacement of the peripheral unit, which are drawn from said system in the claims 1 and 2, and therefore the rejection of claims 1 and 2 apply to the claim 5.

Referring to claim 7, most of the claim limitations have already been discussed / addressed with respect to claim 4, with the exception of recording medium readable by a computer and used for said peripheral unit management method, and said medium having a program recorded thereon for making the computer execute said method steps.

However, the recitation in the claim 7, that "recording medium readable by a computer and used for said peripheral unit management method, and said medium having a program recorded thereon for making the computer execute said method steps" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the

claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *See Kropa v. Robie, 88 USPQ 478 (CCPA 1951).*

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berglund [US 6,427,176 B1].

Referring to claim 3, Berglund discloses all the limitations of the claim 3 including each peripheral unit (i.e., subsystem in Fig. 1) comprising a main body (i.e., chassis FRU) not having a recording medium that records a serial number (See col. 6, lines 14-16; i.e., said chassis FRU does not have any memory, but chassis FRU components (e.g., backplane) does for storing VPD) and a board (i.e., chassis FRU component; e.g., card device on backplane) having a first recording medium (i.e., VPD memory) that records a serial number (e.g., model number; See col. 6, lines 41-45) and a second recording medium (i.e., memory disposed on card device; See col. 7, lines 56-58) that records an ID number (i.e., unique location information), said board (e.g., card device) can be inserted to and removed from said body (See col. 7, lines 58-59; i.e., said card device on backplane could be can be inserted to and removed from said body) and performs a connecting function to said network (i.e., I2C network in Fig. 1) thereby enabling it to transmit said serial number and said ID number over said network (See col. 7, lines 59-61), and when said board (i.e., said card device) is replaced (See col. 12, lines 12-15), said management system (i.e., operating system) reads said serial number (e.g., model number) and said ID number (i.e., querying reference table; See col. 10, line 65 through col. 11, line 6) and determines whether or not said main body (i.e., chassis FRU) of said peripheral unit (i.e., subsystem) has been replaced (See

col. 10, lines 40-46; i.e., wherein in fact that SPCN recognized when subsystems C and D have been removed and new subsystem C' has been plugged (i.e., card devices and backplane within said subsystem C has been replaced by new subsystem C'), and can report this immediately to the operating system clearly shows said management system (i.e., OS) reads said serial number and said ID number and determines whether or not said main body (i.e., backplane) of said peripheral unit (i.e., subsystem) has been replaced), except that does not teach said management system reads said serial number after said serial number has been set by an operational panel either of its own or of said peripheral unit. However, Berglund shows a management system (i.e., operating system) reads a serial number (e.g., model number) after said serial number has been set by an operational panel (i.e., manually entered) of a peripheral unit (See col. 1, lines 34-47) in the Background (i.e., another embodiment). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said means for entering serial number, as disclosed in the Background information of Berglund, in said system, as disclosed by Berglund, since it would have allowed for greater flexibility to said system assigning said serial number to said main body, which do not have an automatic configuration feature (e.g., see col. 1, lines 48-53).

Referring to claim 6, most of the claim limitations have already been discussed / addressed with respect to claim 3, and the method steps of claim 6 is performed by means for function, which are drawn from the apparatus of claims 1 and 3, such that a method steps for reading said serial number and said ID number when said board is replaced, and determining whether or not said main body of said peripheral unit has been replaced or not in the claim 6 are respectively performed by means for reading said serial number and ID number of said peripheral unit, a unit of determining replacement of the peripheral unit, which are drawn from said system in the claims 1 and 3, and therefore the rejection of claims 1 and 3 apply to the claim 6.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe [JP 11-194959] discloses plural printer management device for network system.

Berglund et al. [US 6,044,411 A] disclose method and apparatus for correlating computer system device physical location with logical address.

Eide et al. [US 6,243,774 B1] disclose apparatus program product and method of managing computer resources supporting concurrent maintenance operations.

Movall et al. [US 6,289,405 B1] disclose addition of slot, backplane, chassis and device parametric properties to vital product data (VPD) in a computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 703-305-5950. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher E. Lee
Examiner
Art Unit 2189

cel/ CEL

MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100